

### **DETAILED ACTION**

On July 20, 2007, an Office Action was sent to the Applicant rejecting claims 1-3, 6, 10-11, 15-25, and 27-31. On October 16, 2007, the Applicant responded by amending claim 1.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification does not provide adequate support for a leasing program module. It is also unclear whether the module is software executed on a computer.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The specification provides no support for a leasing program module. It is unclear whether the program module is software executed on a computer.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 and 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is unclear whether the leasing program module is software executed on a computer. The module appears to not be tangible. There is no support in the specification for the leasing program module.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 6, 10-11, 15-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruben (7,143,048) in view of Broadbent (6,904,412) and Florance (6,871,140).

Ruben discloses the invention substantially as claimed, as set forth in the previous Office Action. However, Ruben does not disclose the use of comparables, selecting a site visit agents, or a call center. Broadbent teaches a method and corresponding system for mortgage compliance comprising selection of agents to

complete tasks, which may include site visit agents (col., line 62 to col.10, line 25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Broadbent within Ruben to allow the selection of site visit agents to ensure the property is the best one for the client.

Florance teaches a method and corresponding system for information in connection with real estate comprising the use of comparables, and a call center (col.52, line 25 to col.53, line 45 and col.60, line 53 to col.62, line 26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Florance into the invention disclosed by Ruben, to provide the user with comparisons and means to make the best selection possible.

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.*

### **Response to Arguments**

Applicant's arguments with respect to claims 1-3, 6, 10-11, 15-25, and 27-31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/

Primary Examiner, Art Unit 3691